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GODFREY & KAHN, S.C.  
780 NORTH WATER STREET  
MILWAUKEE, WI 53202

Paper No. 7

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**MAR 1 8 2002**

In re Application of  
Kryloff & Basin  
Application No. 09/940,771  
Filed: August 27, 2001  
Attorney Docket No. 009785-0130  
For: SOFTWARE PATCH GENERATOR

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:  
: **OFFICE OF PETITIONS**  
: **DECISION ACCORDING STATUS**  
: **UNDER 37 CFR 1.47(a)**  
:  
:

This is in response to the petition under 37 CFR 1.47(a), filed December 26, 2001 (certificate of mailing date December 12, 2001).

The petition is granted.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, in a statement of facts of patent attorney William K. Baxter, rule 47 applicant details the presentation of the application papers (specification, claims, drawings and declaration) via Electronic Mail (E-mail) to non-signing inventor Kryloff, and the inventor's subsequent refusal by return E-mail. In support thereof, rule 47 applicant submits documentary evidence in the form of a response E-mail from the non-signing inventor, in which, the inventor states that he will not join in the filing of the application. The text of the non-signing inventor's response E-mail supports a conclusion that the inventor has been apprised of the application to which the oath or declaration is directed. Accordingly, it is concluded that rule 47 applicant has submitted adequate proof that the non-signing inventor has refused to join in this application after having been presented with the application papers. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This file is being forwarded to Technology Center 2100 for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy



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WASHINGTON, D.C. 20231  
www.uspto.gov

SERGEY A. KRYLOFF  
10-2 UCHEBNY PEREULOK STREET  
NO. 84  
SAINT PETERSBURG, RUSSIA 194354

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**MAR 18 2002**

**OFFICE OF PETITIONS**

In re Application of  
Kryloff & Basin  
Application No. 09/940,771  
Filed: August 27, 2001  
Attorney Docket No. 009785-0130  
For: SOFTWARE PATCH GENERATOR

LETTER

Dear Mr. Kryloff:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Requests for information regarding your application should be directed to the File Information Unit at (703)308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703)308-9726 or 1(800)972-6382 (outside the Washington D.C. area).

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis  
Petitions Attorney  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

ATTORNEY OF RECORD: GODFREY & KAHN, S.C.  
780 NORTH WATER STREET  
MILWAUKEE, WI 53202